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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 AMY ROTH, SHANA EKIN, as
12 individuals and on behalf of themselves
13 and all others similarly situated,

14 Plaintiffs,

15 v.

16 CHA HOLLYWOOD MEDICAL
17 CENTER, L.P., d/b/a CHA Hollywood
18 Presbyterian Medical Center and
Hollywood Presbyterian Medical Center,
and CHS HEALTHCARE
MANAGEMENT, L.L.C.,

Defendants.

Case No. 2:12-cv-07559-ODW(SHx)

**ORDER DENYING STIPULATION
REGARDING HEARING AND
BRIEFING DEADLINES [49]**

19 On July 25, 2013, the Court issued an Order reopening this case after return
20 from the Ninth Circuit Court of Appeals. (ECF No. 31.) The Court determined that
21 Plaintiffs' class-certification motion would be heard no later than October 28, 2013.
22 On September 20, 2013, the parties filed a Stipulation Regarding Class Certification
23 Hearing and Briefing Deadlines. (ECF No. 49.) Plaintiffs indicate that they will file
24 their class-certification motion by September 25, 2013. But the parties request that
25 Defendant have until November 8, 2013, to file its opposition, and then Plaintiffs have
26 until January 27, 2014, to reply. They seek a hearing date on that eventual motion on
27 or after February 10, 2014.

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1 After a court has set a motion deadline, a party must present good cause for
2 altering the date. Fed. R. Civ. P. 6(b)(1). Federal Rule of Civil Procedure 23(c)(1)(A)
3 provides that at “an early practicable time after a person sues or is sued as a class
4 representative, the court must determine by order whether to certify the action as a
5 class action.” Central District Local Rule 23-3 requires that a plaintiff file a class-
6 certification motion within “90 days after service of a pleading purporting to
7 commence a class action.”

8 The parties indicate that Defendant CHA Hollywood Medical Center intends to
9 append some 30 declarations to its opposition to the class-certification motion. The
10 parties also have a mediation scheduled for January 16, 2014.

11 The Court has already ordered that the class-certification motion be heard no
12 later than October 28, 2013. This means that Plaintiffs can file their motion up until
13 September 30, 2013. While the Court certainly encourages the parties to come to a
14 peaceful, bilateral resolution to this case through their mediation, the wheels of justice
15 need not grind to a halt because there is a mediation scheduled some four months in
16 the future. Neither does the fact that CHA intends to conduct extensive discovery
17 compel a different conclusion. The parties are putting the cart before the horse.
18 Preliminary class certification is not a final step in the litigation; rather, the Federal
19 Rules dictate that this Court resolve the issue at “an early practicable time.” October
20 28, 2013, is that time.

21 The Court accordingly **DENIES** the parties’ stipulation. (ECF No. 49.)

22 **IT IS SO ORDERED.**

23
24 September 23, 2012

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27 **OTIS D. WRIGHT, II**
28 **UNITED STATES DISTRICT JUDGE**